

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Attorney Aldo Martinez (Reg. No. 61357) on 26 March 2010.

3. The application has been amended as follows:

A) Claims 12-14 are cancelled.

B) In claim 17, in preamble, after "A" insert "non-transitory" before "computer-readable medium".

C) In claim 18, in preamble, after "A" insert "non-transitory" before "computer-readable medium".

Reasons for Allowance

4. Claims 1-11, 15-18 are pending. All pending claims are allowed.

5. The following is the Examiner's statement of reasons for allowance.

Art Unit: 3621

6. Regarding the claimed terms, the Examiner notes that a “general term must be understood in the context in which the inventor presents it.” *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-219 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term “is susceptible to various meanings, . . . the inventor’s lexicography must prevail . . .” *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

7. The primary reference U.S. 2002/0085721 A1 (“Saneto”) discloses a method for allowing use of content on any desired device by an authorized user while preventing use of the content by unauthorized third parties. More specifically, Saneto describes a personal computer which executes a purchase application program and a group gateway program that encrypts the content using a group key sharable by all of the authorized user's devices. In operation, the personal computer sends credit card information to an approval server to acquire a group key, ID and password from the approval server with which to purchase content, and that content may be purchased and downloaded from an EMD server, together with content-associated data, such as music title, number of reproduction times, expiration of reproduction, and equalizer information. Saneto however does not teach at least a second communication section configured to communicate with a content distribution server and to transmit the content ID and the group ID to the content distribution server. Moreover, the missing claimed elements from Saneto are not found in a reasonable number of references. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these missing elements in an

Art Unit: 3621

embodiment in the Smith disclosure because there is no reason or a lack of motivation to include a second communication section to communicate with a content distribution server to transmit both a content ID and a group ID.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to CALVIN K.S. CHEUNG whose telephone number is (571) 270-7041. The Examiner can normally be reached on Monday - Friday, 8:00a.m. - 5:00p.m., EST.

10. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Application/Control Number: 10/567,642

Page 5

Art Unit: 3621

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CALVIN K.S. CHEUNG/

Examiner, Art Unit 3621

24 March 2010

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621